



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 10  
 1200 Sixth Avenue  
 Seattle, WA 98101

52441

March 3, 1999

Reply To  
 Attn Of: ECO-088

Ref# 98-064-AFS

Survey and Manage SEIS  
 Content Analysis Enterprise Team  
 Attn: USDA Forest Service \_CAET  
 P.O. Box 221090  
 Salt Lake City, UT 84122

**RE: DSEIS For Amendment to the Survey and Manage, Protection Buffer, and Other Mitigating Measures Standards and Guidelines of the Northwest Forest Plan**

The Environmental Protection Agency (EPA) has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the **Survey and Manage Strategy for National Forests and Bureau of Land Management Districts within the Range of the Northern Spotted Owl**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Forest Service and Bureau of Land Management are proposing to make changes in two of the mitigation measures first adopted in the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan). These changes affect the Survey and Manage, Protection Buffer, and Grazing species provisions and are based on new information that has been collected in the four years since implementation of the Northwest Forest Plan. The proposed action would merge Protection Buffer and Grazing species into the protective measures provided under the Survey and Manage provisions established under the Northwest Forest Plan. The proposed action may include the initial changes to species' categorization which would be made under the Survey and Manage mitigation measure, such as moving a species from one Component to another.

Three action alternatives are evaluated in detail, in addition to the No Action alternative. All action alternatives would merge Protection Buffer and Grazing species into Survey and Manage provisions with placement of each species in only one category. Categories are based upon species rarity (rare or uncommon), practicability of pre-disturbance surveys, and the amount of information known about the species. Alternatives include No Action, Alternative 1 (Preferred Alternative) - redefine categories based on species characteristics, Alternative 2 - remove or reassign uncommon species within 5 Years, and Alternative 3 - add equivalent-effort surveys and 250-meter rare site buffers.

We commend the Forest Service and Bureau of Land Management for their effort to ensure that the Survey and Manage provisions are clear and effective. We agree that the proposed

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framework eliminates confusion, clarifies management recommendations, and helps focus limited resources. Of note, is the goal to correctly categorize each species to ensure the appropriate management direction is used in maximizing the sustainability of that species. We specifically support finishing strategic surveys within 5 years especially for undetermined species, placement of protection for bats into standards and guidelines common to all land allocations, specific management recommendations written by taxa experts, and the refinement of the adaptive management plan to include a specific consistent process and criteria for making future changes and shifts of species between categories.

EPA advocates a watershed, multi-species/multi-habitat approach. We also support the commitment to adaptive management and an emphasis on working collaboratively with major stakeholders in protecting the diverse species and ecosystems present within the Northwest Forest Plan region. We urge application of a very conservative and cautious approach, especially for those species for which there is little scientific information.

Based upon our review and the detailed comments enclosed, we have rated the DSEIS as EC-2 (Environmental Concerns - Insufficient Information). This rating and a summary of our comments will be published in the *Federal Register*. A summary of the EPA rating system is enclosed for your reference. Our main concerns are species persistence, management directions, and the economic and the social implications of the proposed actions. These concerns are described in detail below.

We would like to thank you for the opportunity to comment on this draft. If you would like to discuss these issues, please contact Anna Maria Muñoz at (206) 553-0253.

Sincerely,



Richard B. Parkin, Manager  
Geographic Implementation Unit.

Enclosure

cc: Laura Fuji, EPA R9  
Bill Kirchner, REO

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## Detailed Comments on the Survey and Manage DSEIS

### Species Protection and Persistence

The proposed action will remove 64 species from the Survey and Manage Standards and Guidelines because these species do not meet the basic criteria for this protection. Of these 64 species, the DSEIS states that 14 species are at risk of not maintaining a stable, well-distributed population once they are removed (e.g., pp. xxx - xxxiv). In addition, some alternatives would not provide enough mitigation for some species to maintain or achieve a stable, well-distributed population (pg. xxx, Table S-3). The DSEIS states that these species could be placed under sensitive species programs or listed under the Endangered Species Act. We are concerned with this proposal because there is no specific commitment or assurance that these species will be placed under other protection programs. We urge the development of a category and management recommendations for these species which would provide them protection until they are formally placed under another protection program or new information demonstrates such protection is not needed. The final supplemental environmental impact statement (FSEIS) should also indicate whether species dropped from Survey and Manage provisions could later be reinstated into this more protective category, if this need is demonstrated.

Alternative 2 assumes that the 53 uncommon species are the most likely species to be removed from Survey and Manage and seeks to expedite that decision (pg. 55). Based upon strategic surveys for these species, they would be dropped from special protection, assigned to special status species programs or considered for listing under the Endangered Species Act (pg. 60). Again, it is unclear whether these species would be provided adequate protection prior to their placement under another protection program. The FSEIS should describe how these species would be protected once dropped from Survey and Manage provisions and prior to placement under another program. In addition, the FSEIS should describe the management actions that would be taken if strategic surveys demonstrate a negative population trend, even if that trend has not yet made the species rare. The relative risk of reducing a species resilience and ability to persist if it is removed from special protection or the Survey and Manage provisions should be discussed.

### Management Direction

The DSEIS proposes to clarify how species will be managed based on whether they are rare or uncommon. All Action Alternatives will require the “management of all known sites” for those species that are considered to be rare. For uncommon species, some or all known sites will be managed. To ensure a clear understanding of management direction, we recommend the FSEIS provide a detailed description of what would occur as part of managing these sites. If management directions are already described in detail in other documents, the FSEIS should provide a short summary of the management measures and reference the detailed description. The FSEIS should also provide a more in-depth discussion related to the Strategic Surveys, detailing how these surveys will be conducted. We urge an aggressive research and survey program with development of survey protocols as soon as feasible.

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Although it is clear that specific management recommendations are being developed, it is not clear how soon this guidance will be available for the field. Since species and their critical habitat do not abide by ownership boundaries, we believe the environmental evaluation should consider private and State land when evaluating potential environmental benefits and effects of the proposed actions. The FSEIS should incorporate these non-federal lands in their analyses, including the cumulative effects section.

The FSEIS should describe how public input will be obtained during the development of Management Recommendations for the Survey and Manage species. During the development of these Recommendations, there may be exceptions to the requirement to manage all known sites (pg. 36). Provision is made for these exceptions to be reviewed by the Regional Ecosystem Office. However, it is not clear if, how, or when public input on these decisions will be sought.

### **Economical and Social Implications**

The DSEIS does not adequately analyze how the current and future budgetary constraints will affect the implementation of the proposed Survey and Manage strategy. The DSEIS states that Alternative 1 (the preferred alternative) would result in a 350% increase in cost of the Survey and Manage program (pg. 281). It goes on to state the appropriations have been declining. Therefore, the FSEIS should describe how the increased costs and inadequate budget to support implementation will be addressed now and in the future. The FSEIS should specifically describe the potential funding sources for the Regional Ecosystem Office (REO), panel of experts, survey protocols, and strategic survey plans. When looking at long-term implementation, the FSEIS should consider and address how future decisions would be made if the REO is no longer in place. We also recommend describing funding priorities for implementation of the Survey and Manage Standards and Guidelines in the advent that sufficient appropriations and funds are not provided.

The FSEIS should include a discussion of economic and social implications of the preferred alternative and the placing of specific species in specific categories. For example, would Alternative 3 have significant adverse impacts on timber receipts due to the increase in buffer zone acreage? The DSEIS should analyze and discuss how the alternatives will affect the current operations of the BLM and USFS. These operations should include timber, prescribed burning, treatment of insect infestations, and any other programs that may be affected by implementation of the Survey and Manage Standards and Guidelines.

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**U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO -- Lack of Objections**

The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC -- Environmental Concerns**

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO -- Environmental Objections**

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU -- Environmentally Unsatisfactory**

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 -- Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 -- Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 -- Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

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Fish, Wildlife &amp; Forest

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Pie Kupillas - Executive Board Minutes - January 24, 2000

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SEIS  
Survey and Manage

Jackson County land base is over 50 federal forests. Our county is the second largest recipient of O&C funding. The survey and manage, protection buffers and other mitigation in the Standards and guidelines cause our county grave concern.

First we believe it does not allow implementation of the O&C Act.

Second the provisions are not based on scientific findings that conclude there is a legitimate reason for Survey and Manage.

Third we do not believe enough money is budgeted to implement. The Medford BLM spent \$2.5 m or 5 \$M in 1999. The entire BLM is budgeting \$4 million for 2000. The Medford BLM is requesting \$3 million. There are serious budget shortfalls for management and this will further exacerbate the problem.

The DEIS is seriously flawed in that it does not meet the Social and Economic requirements as outlined by the President in 1993. It does not provide balance between social, economic and environmental

These are my comments

Pie Kupillas  
Jackson County Commissioner  
March 3, 2000

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# Oregon

John A. Kitzhaber, M.D., Governor

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Department of Agriculture  
635 Capitol Street NE  
Salem, OR 97301-2532



3 March, 2000

Survey and Manage SEIS  
Content Analysis Enterprise Team  
Attn: USDA Forest Service - CAET  
P.O. Box 221090  
Salt Lake City, UT 84122

Thank you for the opportunity to comment on the draft Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and Other Mitigating Measures Standards & Guidelines (SEIS). We were very impressed with the thoroughness of the document and recognize its importance to the persistence of uncommon and rare species in old growth forest habitat. Please remember that the Oregon Department of Agriculture (ODA) is a state regulatory agency. Thus, our comments stem from ODA-Plant Division's mission to protect Oregon's natural resources and agricultural and horticultural industries from exotic pests and diseases.

As you know, three alternative amendments to the Northwest Forest Plan (Plan) are presented in the draft SEIS, each with varying levels of protection for rare & uncommon species. Alternative 1 defines more clearly the species that are to be managed and provides approximately the same level of protection for those species as currently exists in the Plan. Alternative 2 assumes that future surveys will show that uncommon species are, in fact, common and will be managed as such. Alternative 3 requires fairly extensive surveys and management for both rare and uncommon species. For all of the alternatives, pre-disturbance surveys must be done in areas with rare and, sometimes, uncommon species (Alternatives 1 and 3, only) prior to the habitat-disturbing activity. Nowhere in the text is it clearly stated what options are available if a rare or uncommon species is found during a pre-disturbance survey.

This may create a dilemma for regulatory agencies. As stated above, one of our primary missions is to protect Oregon's natural resources from exotic pests and diseases. Our primary weapon against newly introduced pests or pathogens is survey and eradication. Once our surveys have determined the extent of a new infection center or infestation, we evaluate our options. If eradication is feasible, we eradicate. The draft SEIS does not address this issue. If the infection center or infestation is in an old growth forest, what must we do in order to use our best tool? Will we be required to perform pre-disturbance surveys for uncommon and rare species before the eradication project can go forward? If a rare or uncommon species is found, will we even be able to use that tool? On p. 299, it specifically states that "...state and local land-use plans, policies, and controls have little application." This certainly suggests that on federal lands our best tool against exotic pests and diseases is not an option. Unfortunately, most of the text was missing on that page, so we were unable to determine if our concerns were addressed later in that section.

Obviously we are as interested as the US Forest Service in maintaining the health of our old-growth forests, including the rare and uncommon species

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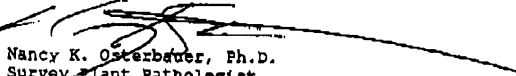
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dependent upon that habitat. We hope there is an option available that allows us to eradicate exotic pests and diseases while still allowing us to protect all of our native species. Because the issue of exotic pests and diseases and other exotic organisms (e.g. noxious weeds) is not addressed within the draft SEIS, we do not know if such an option exists. We strongly encourage you to address the issue of exotic organisms in the draft SEIS or provide a reference to other federal documents that address this issue.

Again, thank you for the opportunity to comment on the draft SEIS. If you have any questions, please contact us.

Sincerely,

  
Kathleen J. R. Johnson, Ph.D.  
Supervisor, Plant Pest & Disease  
Programs

  
Nancy K. Osterbauer, Ph.D.  
Survey Plant Pathologist

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